

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Margarita Gaeta, et al,

NO. C 05-04115 JW

Plaintiffs,

**ORDER VACATING CASE
MANAGEMENT CONFERENCE;
SETTING HEARING FOR PLAINTIFFS'
MOTION FOR RECONSIDERATION**

v.


Perrigo Pharmaceuticals Co., et al.,

Defendants.

This case is scheduled for a Case Management Conference on August 31, 2009. The parties timely filed a Joint Case Management Statement. (See Docket Item No. 357.) Based on the parties' representation in the Statement, and in light of the fact that Plaintiffs have filed their Motion for Reconsideration in Light of Wyeth v. Levine, 129 S. Ct. 1187 (2009), the Court finds that a conference is not necessary at this time. (See Docket Item No. 358.)

Accordingly, the Court VACATES the August 31, 2009 Case Management Conference. However, Plaintiffs improperly noticed their Motion for a hearing on November 4, 2009, which is not the Court's regular Law and Motion day. Thus, the Court advances the hearing on Plaintiffs' Motion for Reconsideration to **November 2, 2009 at 9 a.m.** Defendant Perrigo shall respond the Motion in accordance with the Civil Local Rules of the Court. All briefing shall be completed on or before **October 19, 2009.**

Dated: August 27, 2009



JAMES WARE
United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: August 27, 2009

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy